

REMARKS

A. Claims 1-5, 8, 11-14 and 17

Claims 1-5, 8, 11-14 and 17 were rejected under 35 U.S.C. §103(a) based on a combination of Terry et al., U.S. Patent No. 6,996,082 (“Terry”) and Odenwalder et al, U.S. Patent No. 6,804,220 (“Odenwalder”). Applicants respectfully disagree and traverse these rejections for at least the following reasons.

Neither Terry nor Odenwalder taken separately, or in combination, discloses or suggests the transmission of a separate, different control channel for each [data] transmission as in claims 1-5, 8, 11-14 and 17.

In the Office Action the Examiner acknowledges that Terry does not disclose a separate control channel for each transmission. To make up for this deficiency the Examiner relies upon Odenwalder. However, the excerpts from Oldenwalder relied on by the Examiner do not appear to disclose separate, different control channels for each transmission. Instead, it appears that Oldenwalder discloses a known technique of associating a “forward” control channel with a “forward” data channel. There is no disclosure of a separate, different channel for each transmission.

Nonetheless, in the Office Action the Examiner states that Odenwalder discloses "unique, different and separate control channels for each end user". However, the claims are directed at the transmission of a separate, different control channel for each [data] transmission, not each end user.

Further, as pointed out by the Applicants in their previous response and reiterated herein, the Board of Patent Appeals & Interferences in its July 26, 2010 decision recognized neither Oldenwalder nor Terry appear to disclose a control channel that has a duration as in

the claims. Instead, both appear to disclose control information transmitted within a control channel that has a duration. The Examiner does not appear to have addressed this point in the Office Action.

Accordingly, the Applicants respectfully request withdrawal of the rejections and allowance of claims 1-5, 8, 11-14 and 17.

B. Claim 6

Claim 6 was rejected under 35 U.S.C. §103 (a) based on the combination of Terry, Odenwalder and Toskala et al, U.S. Patent No. 6,535,503 (“Toskala”). Applicants respectfully disagree and traverse this rejection for at least the following reasons.

Applicants note that claim 6 depends on claim 1 and is therefore patentable over the combination of Terry, Odenwalder and Toskala for the reasons set forth above with respect to claim 1, and because Toskala does not overcome the deficiencies of Terry and Odenwalder.

Accordingly, Applicants respectfully request withdrawal of the rejection and allowance of claim 6.

C. Claims 18 and 19

Claims 18 and 19 were rejected under 35 U.S.C. §103(a) based on the combination of Terry, Odenwalder and Malkamaki et al., U.S. Patent No. 5,577,024 (“Malkamaki”). Applicants respectfully disagree and traverse these rejections for at the following reasons.

Applicants note that claims 18 and 19 depend on claim 1 and are, therefore, patentable over the combination Terry, Odenwalder and Malkamaki for the reasons set forth above with respect to claim 1, and because Malkamaki does not overcome the deficiencies of Terry and Odenwalder.

Accordingly, Applicants respectfully request withdrawal of the rejections and allowance of claims 18 and 19.

In the event this response does not place the present application in condition for allowance, Applicants request that the Examiner contact the undersigned at (703) 266-3330 to schedule a personal interview.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 50-3777 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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